



Issues & Appeals

July 6, 2023

Via Electronic Filing

The Honorable John T. Copenhaver, Jr.
Senior United States District Judge
6009 Robert C. Byrd United States Courthouse
300 Virginia Street East
Charleston, West Virginia 25301

Re: *West Virginia Coalition Against Domestic Violence v. Morrissey*, No. 2:19-cv-00434

Dear Judge Copenhaver:

On behalf of our client, the West Virginia Coalition Against Domestic Violence, we respectfully write regarding the pending cross-motions for summary judgment in this case, which have been awaiting a decision by this Court since May 10, 2021—more than two years ago. We previously wrote to the Court to inquire about the status of these motions on January 31, 2023.

This action was filed in June 2019 by a coalition of fourteen domestic-violence shelters to challenge the constitutionality of a then-new set of state statutory provisions known as the Parking Lot Amendments. These laws prohibit the shelters from making any “verbal or written inquiry, regarding the presence or absence of a firearm locked inside or locked to a motor vehicle in a parking lot”; excluding firearms from their parking lots; denying vehicles with firearms access to their parking lots; “tak[ing] any action against” someone who says they brought a firearm onto the lot; or conditioning employment on an agreement to not bring guns onto the lot. In November 2020, this Court concluded that the shelters have established Article III standing and that their challenge is ripe for adjudication. Among other things, the Court found that the shelters have adequately alleged that their First Amendment rights are being chilled on an ongoing basis. That remains just as true today.

Because the parties’ summary-judgment motions have now been pending for 787 days, we respectfully request that the Court issue its ruling on the pending motions within the next 60 days. In the alternative, the shelters have concluded that they will otherwise have no choice but to seek relief via a petition for mandamus to the U.S. Court of Appeals for the Fourth Circuit. If there is anything that the Court needs to aid its decisional process, please let us know and we would be happy to oblige as quickly as possible. We thank you for your attention to this matter.

Respectfully submitted,

/s/ Deepak Gupta
Deepak Gupta (Gupta Wessler)

/s/ David Fenwick
David Fenwick (Goodwin & Goodwin)

Counsel for Plaintiff West Virginia Coalition Against Domestic Violence, Inc.